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10/823,364	04/12/2004	Steven C. Shannon	8756/ETCH/DICP	4844
55649 7590 12/08/2008 MOSER IP LAW GROUP / APPLIED MATERIALS, INC. 1030 BROAD STREET 2ND FLOOR SHREWSBURY, NJ 07702				
EXAMINER				
ANGADI, MAKI A				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
12/08/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* STEVEN SHANNON, DENNIS GRIMARD, THEODOROS  
PANAGOPOULOS, DANIEL HOFFMAN, MICHEAL CHAFIN, TROY  
DETRICK, ALEXANDER PATERSON, JINGBAO LIU, TAEHO SHIN  
and BRYAN PU

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Application No. 10/823,364  
Technology Center 1700

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Mailed: December 8, 2009

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Before TOI JOHNSON *Review Paralegal*  
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on October 15, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the

application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Examiner's Answer mailed April 18, 2008 under the heading "Grounds of rejection" is not consistent with the grounds of rejection of claims set forth in the Non-Final Rejection mailed October 11, 2007. The grounds of rejection of the claims as provided in the Examiner's Answer must be consistent with the last Office action of record. Each Grounds of rejection to be reviewed on appeal must be identified and any new grounds of rejection must be provided under a separate heading "New Grounds of Rejection" in the Examiner's Answer and must include the approval of the TC Director or his/her designee. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 and 1207.03 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

A review of the Examiner's Answer finds a new Grounds of Rejection that has not been provided the required heading "New Grounds of Rejection" and does not include the approval of the TC Director or his/her designee.

Specifically, a review of the Examiner's Answer sets forth the following rejections:

Claims 34, 35, 37, 38 and 39 as being rejected under 103(a) as being unpatentable over Dhindsa et al. (US 2003/0148611) in view of Demaray (US Pub. No. 2003/0127319) and Lieberman et al. (Plasma Sources Sci. Technol., 11 (2002) pages 283-293); and

Claims 43-46 which were rejected under 35 U.S.C. 103(a) as being unpatentable as being unpatentable over Dhindsa et al. (US 2003/0148611) in view of Demaray (US Pub.No. 2003/0127319) and Lieberman et al. (Plasma Sources Sci. Technol., 11 (2002) pages 283-293).

However, the Non-Final action indicated the grounds of rejection of these claims as:

Claims 34, 35, 37, 38 and 39 are rejected under 103(a) as being unpatentable over Dhindsa et al. (US 2003/0148611) in view of Lieberman et al. (Plasma Sources Sci. Technol., 11 (2002) pages 283-293); and

Claims 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dhindsa et al: (US 2003/0148611) in view of Lieberman et al. (Plasma Sources Sci. Technol., 11 (2002) pages 283-293).

Correction of all Grounds of rejection for all claims is required.

### CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) vacate the Examiner's Answer mailed April 18, 2008;

2) generate a new Examiner's Answer setting forth the correct Grounds of rejection and to correct other sections of the Answer as may be required;

3) include the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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